



Joint Environment Committee Hearing
February 9, 2008

Testimony of

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SUPPORT

- SB 499, HB 5493—Improved “Puppy Lemon Law;” Fines for Pet Stores and Breeding Kennels
 - recommended additions: “truth in labeling;” licensing requirements
- HB 5798—Enforceable Dog Tethering and Confinement Law
- HB 5808—Authorizing ACOs to Obtain Rabies Vaccination Certificates (to increase spay/neuter funding)
 - recommended additions: authorization for stand-alone S/N clinics – not only mobile clinics – to participate in APCP program; authorization for two sterilizations (instead of one) per APCP voucher

OPPOSE UNLESS REVISED

- SB 783 – Authorizing ACOs to Impound and Commercially Broker Large Animals
- SB 784 – Regulating the Importation of Animals for Adoption

Introduction

Senator Meyer, Representative Roy, fellow Environment Committee members – thank you for this opportunity to address the committee. I represent the thousands of Connecticut supporters of the American Society for the Prevention of Cruelty to Animals (ASPCA) and the growing membership of Connecticut Votes for Animals (CVA), who are deeply concerned about many of the issues before the committee today. Among these many issues, however, are three identified as priorities by the ASPCA and CVA.

Specifically, the ASPCA and CVA support current proposals to:

1. improve the welfare of dogs in pet stores and the “puppy mills” – or commercial dog breeders that place profit before the welfare of the dogs they breed – from which pet stores purchase puppies (*see SB 499 and HB 5493, in particular*);
2. revise state law concerning the excessive tethering – or chaining – and confinement of dogs (*see HB 5798*); and
3. authorize animal control officers to obtain rabies vaccination certificates in order to increase dog licensing and thereby increase spay/neuter funding (*see HB 5808*)

States and localities across the country are steadily recognizing the importance of these endeavors, such as Pennsylvania, which last year enacted stringent puppy mill regulations; and California and Texas, which in 2006 and 2007, respectively, enacted anti-chaining prohibitions; and New Hampshire and Philadelphia, which have both required veterinarians to provide the government with rabies vaccination information in order to augment the dog licensing rolls and, in turn, spay/neuter funding.

Ultimately, the ASPCA and CVA believe that by enlarging the circle of compassion to encompass both people and animals, we can normalize empathy, stem the cycle of violence, and create the humane communities to which we aspire.

SUPPORT

Puppy Mills – SB 499, HB 5493

The ASPCA and CVA believe that Connecticut – like other states – should acknowledge the impact of large-scale commercial animal breeding on the health and well-being of the animals and the consumers who purchase them. Measures should be taken to enhance animal welfare and improve the remedies and information available to consumers.

As mentioned above, a puppy mill, in particular, is a large-scale commercial dog breeding operation where profit is given priority over the well-being of dogs, both the breeding dogs and

their progeny often kept in squalid conditions and plagued with injuries, illnesses, and congenital and hereditary defects. These animals may be sold directly to the public by breeding kennels or by pet shops (either in-store or over the internet).

In particular, per HB 5493 and SB 499, we would like to see the following provisions incorporated into any puppy mill bill released by the Environment Committee: (1) as in New York, which authorizes fines of \$50 to \$1000, a schedule of fines to be levied on Connecticut breeding kennels and pet shops maintained in an unsanitary or inhumane manner; and (2) a significantly enhanced “puppy lemon law” that like the New Jersey statute, (a) provides for reimbursement of veterinary costs, up to twice the purchase price of the cat or dog, for congenital/hereditary problems or other illness/injury in existence at the time of purchase, as well as (b) a requirement that such reimbursement policy be clearly displayed and each purchaser specifically advised of the seller’s obligations.

Recommended additions to this proposal:

- *requirement that pet shops provide specific and verifiable information on the origin of a cat or dog – in particular, the dealer, breeder, and anyone else who has kenneled that animal for 24 or more hours – to the public, any purchaser, and the Department of Agriculture; and*
- *requirement that pet shops sell cats and dogs only from breeders licensed with the USDA and any applicable state entity*

Dog Tethering and Confinement – HB 5798

As noted, the ASPCA and CVA seek to improve this state’s chaining and confinement law, which now goes unenforced because animal control officers consider it unduly vague. At the most practical level, taking dogs off their tethers is good for people and dogs: Chained dogs are 2.8 times more likely to bite. Further, an Ohio study found that communities reporting more dog bites also report more incidents of domestic violence. By rescuing chained dogs, we prevent tragic dog attacks and save families diminished by household violence. We also engender an ethic of care that seeks to make kindness and respect the norm.

As mentioned, California and Texas have followed this path in the last few years. It is also worth citing the particular experience of Lawrence, Kansas, which prohibits chaining a dog for more than an hour. According to the executive director of the Lawrence, KS Humane Society, the “anti-tethering law...has been the best thing for Lawrence.” Of chief note: in 2005, there were a little more than 800 animal cruelty complaints in Lawrence, including approximately 50 concerning dog fighting, while as of September 2006 – after enactment of the anti-chaining law – there were only about 260 similar complaints, with about 25 of them involving possible dog fighting. In Connecticut, where dog fighting is rarely prosecuted, perhaps a strong anti-chaining law offers a way to preempt such activity.¹

¹ For example, in 2005, there were no prosecutions for animal fighting under section 53-247(c) of the Connecticut General Statutes.

ACOs to Obtain Rabies Vaccination Certificates (to increase spay/neuter funding) – HB 5808

The ASPCA and CVA would also like animal control officers authorized to obtain a listing of the dogs within their towns who have received rabies vaccinations. With this information, animal control officers could more efficiently identify unlicensed dogs and thereby enforce the dog licensing law. Currently, animal control officers must canvas door- to-door to identify unlicensed dogs.

For at least ten years, the number of licensed dogs in Connecticut has remained relatively static – around 200,000 dogs. However, the animal protection community – based on a formula developed by the American Veterinary Medical Association (AVMA) – estimates that there are over 700,000 dogs in this state. HB 5808 would allow animal control officers to work toward closing this gap between unlicensed and licensed dogs and thus enforce the dog licensing law – which is, at its core, a public safety measure.

Further, this proposal would infuse additional funding into the state's Animal Population Control Program (APCP), which is chiefly funded by dog licensing fees.

Notably, New Hampshire enacted such a proposal in 1993, when there were 88,000 licensed dogs. By 2002, 58,000 additional dogs were licensed, bringing an additional \$116,000 into the state's spay/neuter program from a \$2 surcharge per dog. Relatively recently, Philadelphia enacted a similar law in an effort to augment its licensing rolls.

Recommended additions to this proposal:

- *authorization for stand-alone S/N clinics – not only mobile clinics – to participate in APCP program; and*
- *authorization for two sterilizations per APCP voucher, which may currently fund – by statute – only one sterilization according to the following schedule: \$50.00/male cat, \$70.00/female cat, \$100.00/male dog, \$120.00/female dog*

OPPOSE UNTIL REVISED

Authorizing ACOs to Impound and Commercially Broker Large Animals – SB 783

The ASPCA and CVA have advised the Department of Agriculture that we cannot support SB 783 until it is revised. We hope that we will be able to work with the department and legislators to this end.

Specifically, the ASPCA and CVA believe that animal control should not be in the business of “pound seizure” – that is the commercial brokering of impounded animals. As drafted, SB 783 would actually permit impounded horses to be sold for slaughter – a terrible reality compounded

by the extremely poor economy. SB 783 should be amended to allow only the adoption or euthanasia of impounded animals.

Regulating the Importation of Animals for Adoption – SB 784

Although the ASPCA and CVA support the regulation of animal importation to prevent the spread of disease, we have also advised the Department of Agriculture that we cannot support SB 784 until it is revised. We hope that we will be able to work with the department and legislators in this regard.

As a general matter, the ASPCA and CVA are unclear as to why these importation provisions would apply only to the adoption community, and not to those importing dogs and cats for sale. Further, we are concerned by, at minimum the following specific provisions:

- the lack of specificity in the definition of “animal isolation facility,” and the related concern regarding elasticity in the criteria used to disapprove such a facility or an adoption import permit;
- the requirement that an animal isolation facility conform to municipal zoning regulations – with no exception for quarantine rooms in private residences;
- the absence of limitation on when animal isolation facilities – even if located in private homes - may occur at any time, not solely during business hours;
- the requirement that an adoption import permit be obtained for each animal from the Connecticut Department of Agriculture prior to importation – given that registration is already required for isolation facilities, this seems a redundant and overly burdensome requirement, and it also hard to imagine that the department will be able to process these permits with sufficient alacrity and that there won’t be an importation backlog;
- the requirement that an animal be microchipped prior to importation, the number listed on the adoption import permit – this is an unrealistic requirement given the difficulties faced by source shelters and the probable location of importers’ veterinary support;
- the listed requirements for an animal isolation facility’s quarantine room, not limited to the mandate that there be a dedicated sink in the room and the lack of clarity as to whether the room may be used for any other purpose when no animal is present;
- the requirement that an importer give written notice to the Department of Agriculture within only twenty-four hours;
- the apparent requirement of a veterinary visit to the animal isolation facility, with no exception for a private foster home that may not have established such a relationship with a veterinarian allowing for home visits; and

- the absence of the possibility of a waiver of animal quarantine in the event the imported animal originates in a state contiguous to Connecticut, and/or in the New England region.

Conclusion

Thank you so much for this opportunity to speak. **The ASPCA and Connecticut Votes for Animals look forward to assisting the work of this committee and have attached tethering/confinement and rabies vaccination certificate language to this testimony.** We hope that you will actively call on both organizations as resources.

DNA tests show Almost Heaven kennel in Upper Milford tricked Dog Buyers-



P.O. Box 266 • Cheshire, CT 06410

Source: The MorningCall.com, January 27, 2009

Andy Lakatos joins fiancée Jessica Smallman, as they sit with their 8-month-old Goldendoodle Dunkin. He was sold as a golden Labradoodle, according to their contract. But a DNA test showed he is a goldendoodle, part golden retriever and part poodle. (Harry Fisher, Allentown Morning Call / January 22, 2009)

A woman who worked in a key role at the controversial Almost Heaven dog kennel for several years says she tricked hundreds of customers of owner Derbe "Skip" Eckhart by misrepresenting the parentage of the dogs they were buying.

Her claims about deceptive sales were confirmed by DNA tests arranged by The Morning Call and administered to three dogs purchased last year at the Upper Milford Township kennel. In all three cases, the dogs' actual breeds did not match what the new owners were told or what was listed on their sale documents.

Pattie Fontana, the source of information that helped spark the Oct. 1 Pennsylvania SPCA raid on Almost Heaven, began working -- and even living, on occasion -- in the Almost Heaven complex in 2002. She told me she routinely sold people dogs whose parentage, vaccinations and birth dates weren't accurate. "There's got to be a thousand out there," she said.

Eckhart and his lawyer declined to comment on any of this. Fontana said she was following Eckhart's orders, explicit or understood. She told me Eckhart's philosophy was: "Never give up a sale. When anybody calls up to buy something, we always have it." Even if they didn't. And, particularly in the later days of her tenure there, she said, she had an ulterior motive.

"It may be wrong on my part, but I wanted as many dogs as I could to get out of that hellhole," she said. "If you worked and lived in that place, you would do anything you could to get them out to a good home." We first met in late August 2007, after she had left Almost Heaven's employ. She told me that night that she couldn't stand the treatment of dogs there anymore, and she wanted to bring the conditions to light and get the remaining animals out of there.

But she returned for a few weeks last summer, and shortly after she quit again, she supplied me with copies of Almost Heaven contracts that in several cases, she said, misrepresented the breeds of the dogs and other information about them. Fontana acknowledged that she was responsible for many of these deceptions herself. She said she would keep a fake mother and father dog cleaned up and available -- friendly dogs she had obedience-trained -- to show prospective buyers. "It was always a lie," she said. "The whole thing was a lie."

The conditions Fontana described during our interviews were confirmed by the PSPCA raid that she helped spark as the confidential informant mentioned in the agency's affidavit of probable cause. It resulted in the discovery of some 800 animals living in what investigators said was hellish filth. Many of them were sick, frightened, injured, dehydrated and crammed into overcrowded cages, investigators said.

The raid resulted in the seizure of dozens of sick animals, SPCA cruelty charges and state dog law citations against Eckhart, whose kennel license was revoked. His criminal case is scheduled for a hearing in Lehigh County Court at 1:30 p.m. today. He appealed the license revocation, but Chris Ryder of the state Bureau of Dog Law Enforcement told me last month that they hope to finally shut him down under the state's new dog welfare law by denying him a 2009 license and weathering his expected appeal of that decision. The official response to his 2009 application is pending, Ryder said last week.

Animals Don't Vote. People Do.

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As I reported last week, the kennel's Web site now says Almost Heaven has been sold and renamed T.A.S. kennels, owned by "April W.," who Dog Law has confirmed is longtime Eckhart assistant April Dotterer Welter. Dog Law investigators visited the kennel undercover Friday afternoon and then executed a search warrant for records that demonstrate who exactly owns the place and whether it is complying with dog welfare laws. The investigation still was under way Monday, Ryder said. Neither Welter nor T.A.S. has a kennel license.

Despite many columns and years of complaints about the kennel's operation, I had no way of confirming Fontana's claims about misrepresented dogs until last September — shortly before the raid — when she showed me the contracts and explained which dogs were not what the paperwork said they were. I began contacting those dog owners, and three of them agreed to have their dogs tested, at The Morning Call's expense. The WISDOM Panel MX analyses break down exactly which breeds are part of the dog's genetic makeup. I received the last of those results late last month.

The participants were: Dunkin, purchased by Andy Lakatos and fiancée Jessica Smallman of Bethlehem on Sept. 7. Dunkin was sold as a golden Labradoodle, according to their contract. That's a mix between a Labrador retriever and a poodle, chosen because Andy's family had a Labradoodle with a great personality. But the test showed he is a goldendoodle, part golden retriever and part poodle. Fontana explained that Almost Heaven didn't have any Labradoodles at the time.

Hana, sold to Tracey and Bryan O'Rourke of Lebanon, N.J., on Sept. 5. She was sold as a black and white goldendoodle, according to the contract, and turned out to be a standard poodle. Bella, sold to Kim and Matt Adams of Newtown Township, Bucks County, on Aug. 30. The contract says she's a black and white goldendoodle. Her test confirmed she's a miniature poodle.

The owners of these dogs weren't happy about the results — Lakatos had assured me before the test, "We are very certain ourselves that Dunkin, our puppy, is a Labradoodle" — but they're all much too attached to their pets to consider returning them.

The Adamses, who found Almost Heaven on the Internet and called specifically about purchasing a goldendoodle, went ahead with the purchase even though they were appalled by what they saw of the kennel. Kim Adams noted how vulnerable people are when they're presented with a puppy, and in their case, it persuaded them to ignore the warning signs they were seeing and smelling at the kennel. "[Bella] was a doll baby," Adams said.

And now? "We wanted a goldendoodle, but we got her," she said. "What are you going to do?" I asked Tracey O'Rourke what their reaction was to the DNA results. "We laughed," she said. "We were like, 'Oh, we were such idiots to go along with these people.'"

Lakatos responded, "We're quite upset for being deceived, because we really wanted a Labradoodle. But we love him so much, we could never give him up especially because of how horrible his original living conditions were."

The dogs weren't cheap, either. The O'Rourkes paid \$1,200, plus tax, for Hana. Lakatos paid \$900, and the Adamses paid \$800. Kim Adams said, "We feel like we donated \$800 just to get her out of there."

The DNA tests involve a blood sample drawn by the vet and submitted for the WISDOM Panel mixed breed analysis. The report offers information about the dog's genetic history and the characteristics, history and appearance of dogs of those breeds.

Fontana said the breed isn't all that's misrepresented on the contracts. For example, she said, "All the shot records are a lie."

Here's how it would work, she said. If she had a 12-week-old puppy — which might well be older, since she routinely knocked three to six weeks off the ages of older dogs to make them more attractive — she would count back 12 weeks and invent a birth date. Then she would count six weeks, record a worming and set of shots, then do the same at eight weeks and 12 weeks. There often were no actual records of those veterinary procedures, she said.

Fontana recognizes how incriminating all this sounds. And she concedes that once she understood Eckhart's instructions, she operated in many cases on her own. "Did I know what I was doing? Yeah, we both knew what I was doing.

"But I got to put a lot of dogs in homes."

Summary of Unreasonable Confinement and Tethering Proposal

Section 1 (amends Section 22-327)

Subdivision (2) – Defines “serious physical injury” as a physical injury which creates a substantial risk of death, or which causes serious disfigurement, serious impairment of health or loss or serious impairment of the function of any bodily organ.

Subdivision (3) – Defines “tethering device” as a chain, rope, or other restraining device that attaches to a dog.

Section 2 (amends Section 22-329a)

Subsection (a) – Incorporates unreasonable confinement and tethering into Section 22-329a, which authorizes animal seizure.

Section 3 (amends Section 22-350a)

Subsection (a) – Replaces “for an unreasonable period of time” with “in an unreasonable manner.”

Subsection (b) –

- Clarifies that “confining a dog in an unreasonable manner” means that a person has confined a dog in an enclosure that is less than 150 square feet of space per dog where such enclosure is the dog’s primary living space (i.e., used to eat, sleep, drink, and eliminate).
- Clarifies that this subsection does not apply if a dog is six months of age or younger or to breeding kennels licensed pursuant to Section 22-342; commercial kennels (i.e., kennels that board/groom dogs), pet shops, training facilities, or grooming facilities that temporarily board dogs and are licensed pursuant to Section 22-344; or facilities that temporarily board dogs for adoption purposes; or municipal or regional pounds.

Subsection (c) – Clarifies that “tethering a dog in an unreasonable manner” means that a person tethers, fastens, chains, ties, or otherwise restrains a dog by attaching such dog:

- to a stationary or highly immobile object such as a tree, dog house, or fence between the hours of 10:00 p.m. and 6:00 a.m. or for a period of more than one hour between the hours of 6:01 a.m. and 9:59 p.m., although notes that this prohibition doesn’t apply to a person who temporarily restrains a dog to walk the dog with a hand-held leash; to participate in a lawful animal event,

veterinary treatment, grooming, training exercise, or law enforcement activity; or to protect the safety or welfare of a person, dog, or other animal, providing the person or other handler remains with the dog throughout the period of restraint;

- by means of a choke-type collar or a prong collar unless the dog is only temporarily restrained in order to be walked with a hand-held leash, or by any means other than a properly fitted collar, harness, or other device at least one inch in width and designed for such purpose;
- with a tethering device that is less than ten feet in length unless the dog is only temporarily restrained in order to be walked with a hand-held leash; that weighs more than 1/8 of the dog's body weight; that is attached to a pulley, trolley, loop or other moveable device running on a cable less than fifteen feet in length or mounted more than seven feet above ground; or that inhibits the free movement of the dog; or
- in a manner that could result in injury, strangulation, or entanglement of the dog with any man-made or natural object.

Subsection (d) – States that each unreasonably confined or tethered dog shall constitute a separate offense. In addition, beginning forty-eight hours after a charge of violating this section, each day that a person fails to correct the deficiencies in the method used to confine or restrain a dog shall constitute a separate offense.

Subsection (e) – Where a dog has not suffered serious physical injury or death as a result of being confined or restrained in violation of this section, authorizes any animal control officer to reduce the fine by the amount that the person proves has been spent to comply with the requirements of this section.

Subsection (f) – Authorizes any animal control officer to seize a dog found restrained or confined in violation of this section pursuant to the authority granted in Section 22-329a.

Subsection (g) – Clarifies that nothing in this section shall affect any protections afforded to dogs or other animals under any other chapter of the General Statutes.

***AN ACT IMPROVING PROTECTION FOR DOGS FROM UNREASONABLE
CONFINEMENT AND RESTRAINT***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 22-327 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

As used in this chapter:

- (1) "Animal" means any brute creature, including, but not limited to, dogs, cats, monkeys, guinea pigs, hamsters, rabbits, birds and reptiles;
- (2) "Chief Animal Control Officer", "Assistant Chief Animal Control Officer" and "animal control officer" mean, respectively, the Chief State Animal Control Officer, the Assistant Chief State Animal Control Officer and a state animal control officer appointed under section 22-328;
- (3) "Commercial kennel" means a kennel maintained for boarding or grooming dogs or cats, and includes, but is not limited to, any veterinary hospital which boards or grooms dogs or cats for nonmedical purposes;
- (4) "Commissioner" means the Commissioner of Agriculture;
- (5) "Grooming facility" means any place, other than a commercial kennel, which is maintained as a business where dogs are groomed;
- (6) "Keeper" means any person, other than the owner, harboring or having in his possession any dog;
- (7) "Kennel" means one pack or collection of dogs which are kept under one ownership at a single location and are bred for show, sport or sale;
- (8) "Municipal animal control officer" means any such officer appointed under the provisions of section 22-331;
- (9) "Pet shop" means any place at which animals not born and raised on the premises are kept for the purpose of sale to the public;

(10) "Poultry" means all domestic fowl and any pheasants or other game birds securely confined and lawfully owned and possessed by any person under the provisions of section 26-40;

(11) "Regional animal control officer" and "assistant regional animal control officer" means a regional Connecticut animal control officer and an assistant regional Connecticut animal control officer appointed under the provisions of section 22-331a;

(12) "SERIOUS PHYSICAL INJURY" MEANS PHYSICAL INJURY WHICH CREATES A SUBSTANTIAL RISK OF DEATH, OR WHICH CAUSES SERIOUS DISFIGUREMENT, SERIOUS IMPAIRMENT OF HEALTH OR LOSS OR SERIOUS IMPAIRMENT OF THE FUNCTION OF ANY BODILY ORGAN;

(13) "TETHERING DEVICE" MEANS A CHAIN, ROPE, OR OTHER RESTRAINING DEVICE THAT ATTACHES TO A DOG;

[(12)] **(14)** "Training facility" means any place, other than a commercial kennel or grooming facility, which is maintained as a business where dogs are trained.

Section 2. Subsection (a) of section 22-329a. of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(a) The Chief Animal Control Officer, any animal control officer or any municipal or regional animal control officer may lawfully take charge of any animal found neglected or cruelly treated, in violation of sections 22-366, 22-415 and 53-247 to 53-252, inclusive, **OR CONFINED OR RESTRAINED IN VIOLATION OF SECTION 22-350a** and shall thereupon proceed as provided in subdivision (b) of this section, except that if, in the opinion of a licensed veterinarian, such animal is so injured or diseased that it should be destroyed immediately, such officer may humanely destroy or cause such animal to be humanely destroyed.

Section 3. Section 22-350a. of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(a) Any person who confines or tethers a dog ~~for~~ **IN** an unreasonable ~~period of time~~ **MANNER** shall be fined not more than one hundred dollars for the first offense, not less than one hundred dollars or more than two hundred fifty dollars for a second offense, and not less than two hundred fifty dollars or more than five hundred dollars for any subsequent offense.

(b) FOR THE PURPOSE OF THIS SECTION, A PERSON SHALL BE CONSIDERED TO CONFIN A DOG IN AN UNREASONABLE MANNER IF SUCH PERSON CONFINES A DOG IN AN ENCLOSURE CONTAINING LESS THAN 150 SQUARE FEET OF SPACE FOR EACH DOG WHERE SUCH ENCLOSURE IS REGULARLY USED BY THE DOG TO EAT, SLEEP, DRINK, AND ELIMINATE. THE PROVISIONS OF THIS SUBSECTION SHALL NOT APPLY IF A DOG IS SIX MONTHS OF AGE OR YOUNGER OR TO KENNELS THAT ARE LICENSED PURSUANT TO SECTION 22-342; COMMERCIAL KENNELS, PET SHOPS, TRAINING FACILITIES, OR GROOMING FACILITIES THAT TEMPORARILY BOARD DOGS AND ARE LICENSED PURSUANT TO SECTION 22-344; FACILITIES THAT TEMPORARILY BOARD DOGS FOR THE PURPOSE OF FINDING NEW HOMES FOR SUCH DOGS; OR MUNICIPAL OR REGIONAL POUNDS.

(c) FOR THE PURPOSE OF THIS SECTION, A PERSON SHALL BE CONSIDERED TO TETHER A DOG IN AN UNREASONABLE MANNER IF SUCH PERSON TETHERS, FASTENS, CHAINS, TIES, OR OTHERWISE RESTRAINS A DOG BY ATTACHING SUCH DOG:

(1) TO A STATIONARY OR HIGHLY IMMOBILE OBJECT SUCH AS A TREE, DOG HOUSE, OR FENCE BETWEEN THE HOURS OF 10:00 P.M. AND 6:00 A.M. OR FOR A PERIOD OF MORE THAN ONE HOUR BETWEEN THE HOURS OF 6:01 A.M. AND 9:59 P.M., ALTHOUGH THIS PROHIBITION SHALL NOT APPLY TO A PERSON WHO TEMPORARILY RESTRAINS A DOG TO WALK SUCH DOG WITH A HAND-HELD LEASH; TO PARTICIPATE IN A LAWFUL ANIMAL EVENT, VETERINARY TREATMENT, GROOMING, TRAINING EXERCISE, OR LAW ENFORCEMENT ACTIVITY; OR TO PROTECT THE SAFETY OR WELFARE OF A PERSON, DOG, OR OTHER ANIMAL, PROVIDING THE PERSON OR OTHER HANDLER REMAINS WITH THE DOG THROUGHOUT THE PERIOD OF RESTRAINT;

(2) BY MEANS OF A CHOKE-TYPE COLLAR OR A PRONG COLLAR UNLESS THE DOG IS ONLY TEMPORARILY RESTRAINED IN ORDER TO BE WALKED WITH A HAND-HELD LEASH, OR BY ANY MEANS OTHER THAN A PROPERLY FITTED COLLAR, HARNESS, OR OTHER DEVICE AT LEAST ONE INCH IN WIDTH AND DESIGNED EXPRESSLY FOR SUCH PURPOSE;

(3) WITH A TETHERING DEVICE THAT IS LESS THAN TEN FEET IN LENGTH UNLESS SUCH DOG IS ONLY TEMPORARILY RESTRAINED IN ORDER TO BE WALKED WITH A HAND-HELD LEASH; THAT WEIGHS MORE THAN 1/8 OF THE DOG'S BODY WEIGHT; THAT IS ATTACHED TO A PULLEY, TROLLEY, LOOP OR OTHER MOVEABLE DEVICE RUNNING ON A CABLE LESS THAN FIFTEEN FEET IN LENGTH OR MOUNTED MORE THAN SEVEN FEET ABOVE

GROUND; OR THAT, FOR ANY REASON, INHIBITS THE FREE MOVEMENT OF THE DOG WITHIN THE AREA THAT THE DOG IS RESTRAINED; OR

(4) IN A MANNER THAT COULD RESULT IN INJURY, STRANGULATION OR ENTANGLEMENT OF THE DOG WITH ANY MAN-MADE OR NATURAL OBJECT.

(d) WHERE MORE THAN ONE DOG IS INVOLVED, EACH DOG CONFINED OR RESTRAINED IN VIOLATION OF THIS SECTION SHALL CONSTITUTE A SEPARATE OFFENSE. BEGINNING FORTY-EIGHT HOURS AFTER A CHARGE OF VIOLATING THIS SECTION, EACH DAY THAT A PERSON FAILS TO CORRECT THE DEFICIENCIES IN THE METHOD USED TO CONFINED OR RESTRAIN A DOG THAT HE OR SHE OWNS OR THAT IS IN HIS OR HER CUSTODY OR CONTROL, SO AS TO CONFINED OR RESTRAIN THE DOG IN A MANNER THAT COMPLIES WITH THE PROVISIONS OF THIS SECTION, SHALL CONSTITUTE A SEPARATE OFFENSE.

(e) PROVIDING A DOG HAS NOT SUFFERED SERIOUS PHYSICAL INJURY OR DEATH AS A RESULT OF BEING CONFINED OR RESTRAINED IN VIOLATION OF THIS SECTION, THE CHIEF ANIMAL CONTROL OFFICER OR ANY MUNICIPAL OR REGIONAL ANIMAL CONTROL OFFICER, IN HIS OR HER DISCRETION, MAY REDUCE THE AMOUNT OF ANY FINE IMPOSED FOR A VIOLATION OF THIS CHAPTER BY THE AMOUNT THAT A PERSON PROVES HE OR SHE HAS SPENT COMPLYING WITH THE REQUIREMENTS OF THIS SECTION.

(f) THE CHIEF ANIMAL CONTROL OFFICER OR ANY MUNICIPAL OR REGIONAL ANIMAL CONTROL OFFICER MAY LAWFULLY TAKE CHARGE OF A DOG FOUND RESTRAINED OR CONFINED IN VIOLATION OF THIS SECTION PURSUANT TO THE AUTHORITY GRANTED IN SUBSECTION (a) OF SECTION 22-329a.

(g) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT ANY PROTECTIONS AFFORDED TO DOGS OR OTHER ANIMALS UNDER ANY OTHER CHAPTER OF THE GENERAL STATUTES.

AN ACT TO ENHANCE THE ANIMAL POPULATION CONTROL PROGRAM

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Sec. 1. (NEW) (*Effective October 1, 2009*) **A MUNICIPAL OR REGIONAL ANIMAL CONTROL OFFICER MAY OBTAIN RECORDS OF DOGS VACCINATED FOR RABIES FROM VETERINARIANS WITHIN THEIR JURISDICTION. THE NAMES AND ADDRESSES OF DOG OWNERS AND KEEPERS LISTED IN SUCH RECORDS SHALL NOT BE MADE PUBLIC AND SHALL BE USED FOR NO OTHER PURPOSE THAN TO ENFORCE THE LICENSING REQUIREMENTS PROVIDED FOR IN SECTION 22-338 AND SECTION 22-339 OF THE GENERAL STATUTES BUT AN ANIMAL CONTROL OFFICER MAY PROVIDE THIS INFORMATION TO THE ANIMAL CONTROL OFFICER FOR THE JURISDICTION WHERE SUCH OWNER OR KEEPER RESIDES.**

Section 2. Subsection (b) of section 22-380h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(b) In order to be certified by the commissioner as a participating veterinarian, the veterinarian shall: (1) Perform all spay and neuter surgical procedures in a veterinary hospital facility or [mobile] clinic equipped for such procedures located in this state that meets the standards set forth in regulations adopted by the commissioner, as provided in section 20-196; (2) make all records pertaining to care provided, work done and fees received for or in connection with the program available for inspection by the commissioner or the commissioner's designee; (3) maintain records in accordance with regulations adopted under section 19a-14; and (4) hold a currently valid license to practice veterinary medicine in this state issued by the Department of Public Health.

Section 3. Subsection (a) of section 22-380i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(a) The program established under section 22-380g shall provide for payment to any participating veterinarian of an amount equivalent to the voucher issued pursuant to section 22-380f for each animal sterilization and vaccinations, coincident with sterilization, performed by such veterinarian upon a dog or cat owned by an eligible owner. For a sterilization procedure, such voucher shall be in the amount of one hundred twenty dollars for a female dog, one hundred dollars for a male dog, seventy dollars for a female cat and fifty dollars for a male cat. In the case of a sterilization fee exceeding the amount of the voucher, the eligible owner shall pay the participating veterinarian the difference between such fee and the amount of the voucher. Such

voucher shall be in the amount of twenty dollars, in addition to the amount designated for sterilization, for vaccinations coincident with the sterilization of a dog or cat owned by an eligible owner. **A VETERINARIAN MAY ACCEPT A VOUCHER AS PAYMENT FOR MORE THAN ONE STERILIZATION PROCEDURE AND SET OF VACCINATIONS.**